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UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA

Jane Doe, et al.,

Plaintiffs,

v.

Kris Mayes, et al.,

Defendants.

No. CV-24-02259-PHX-MTL

**MOTION FOR EMERGENCY
STAY PENDING APPEAL AND
CONTINUATION OF THE
TEMPORARY RESTRAINING
ORDER**

(Hon. Michael T. Liburdi)

Pursuant to Federal Rule of Appellate Procedure 8(a)(1), and Federal Rule of Civil Procedure 65, Plaintiffs Jane Doe, John Doe I, John Doe II, and Minor Doe, respectfully move this Court for (1) an emergency stay pending appeal of this Court's Order (Doc. 132), issued at 2:30 pm on Friday, November 22, 2024, denying a

1 preliminary injunction against enforcement of Arizona Senate Bills 1404 and 1236
2 (2024), as they relate to Level One registrants on Arizona’s sex offender registry who
3 were not previously subject to community and website notification, and vacating the
4 existing Temporary Restraining Order issued on September 13, 2024 (Doc. 42), which
5 was extended on October 30, 2024 to November 30, 2024 (the “Temporary Restraining
6 Order”), and/or (2) continuing the Temporary Restraining Order until November 30,
7 2024 (which was the expiration date of the extended Order), or at least until Monday,
8 November 25, 2024 at 5 p.m., by when Plaintiffs can make an emergency application to
9 the Ninth Circuit.

10 An emergency stay pending appeal and interim injunctive relief is urgently
11 needed to prevent grave and irreparable harm to Plaintiffs and other low-risk individuals
12 on Arizona’s sex offender registry, as well as their families, while the Ninth Circuit
13 considers this Court’s Order. The threat is real. Just this week a Level One registrant in
14 Pennsylvania, whose information was on the public registry, was shot and killed at his
15 home by a man who reportedly yelled “Grover, you’re a f***ing pedophile. Get off
16 Logan Avenue.” [https://www.wytv.com/news/local-news/one-dead-one-in-custody-
17 after-shooting-in-sharon/amp/](https://www.wytv.com/news/local-news/one-dead-one-in-custody-after-shooting-in-sharon/amp/)

18 Plaintiffs recognize the Court found they are unable to show a likelihood of
19 success on the merits for their claims. Doc. 132 at 30. However, judges on the Ninth
20 Circuit may disagree. Without interim injunctive relief, the litigation is effectively
21 mooted and Plaintiffs will be denied their day in court. This is because once Plaintiffs’
22 information (including non-public information such as their current address and current
23 photographs) is disclosed, they will be permanently branded across the internet as
24 convicted sex offenders, and the damage is done.

25 Soon after receiving this Court’s Order, on November 22, 2024, we advised
26 counsel for the Attorney General (the only non-nominal Defendant to appear in the
27 action so far) that we will be seeking this emergency relief and requesting their position
28

1 regarding our proposed emergency motions. We also asked if the Attorney General,
2 who historically represents the Department of Public Safety (which controls website
3 notification) in legal proceedings, would consent to continuing the Temporary
4 Restraining Order until November 30th or at least until Plaintiffs can file an emergency
5 application with the Ninth Circuit. Ms. Emma Mark responded that “Given that its late
6 on a Friday and we will need to confer with our client I won’t be able to give you
7 answers to any of these questions today. You are of course welcome to file whatever
8 you need to file on Monday and we can touch base next week.” We appreciate Ms.
9 Mark’s prompt response and professional courtesy throughout this litigation.

10 For the foregoing reasons, Plaintiffs respectfully request the Court grant an
11 emergency stay pending appeal of this Court’s Order, dated November 22, 2024; extend
12 the Temporary Restraining Order at least until Monday, November 25, 2024, at 5 p.m.,
13 so Plaintiffs can file an emergency application with the Ninth Circuit; and grant such
14 other and further relief as may be just. This motion is made in good faith and not for the
15 purposes of delay. A proposed form of order is submitted herewith.

16 RESPECTFULLY SUBMITTED this 22nd day of November, 2024.

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18 **HERALD PRICE FAHRINGER, PLLC**
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